



DEPARTMENT OF ENVIRONMENTAL PROTECTION
Monthly Enforcement Report
for actions during January 2013
DISTRIBUTED: February, 20 2013

This report has been prepared to satisfy a statutory obligation the Maine Department of Environmental Protection has to inform the public of certain enforcement resolutions. Please contact Peter Carney at (207) 287-4305 or peter.j.carney@maine.gov for additional information regarding the activities listed in this report.

The following cases were resolved to achieve compliance with the law; remediate environmental damage; restore natural resources to appropriate conditions; and impose penalties to deter similar actions in the future.

Administrative Consent Agreements Approved by the Commissioner and Office of the Attorney General (party followed by location):

Air:

Alan K. Toothaker, V.M.D., P.A., dba Small Animal Clinic, Ellsworth, Maine. Alan K. Toothaker, V.M.D., P.A., dba Small Animal Clinic ("Toothaker") operated incinerator equipment associated with his veterinary clinic without an air emission license following October 30, 2007, when a previous license expired, until August 28, 2012 when an application submitted by Toothaker was deemed complete for processing, in violation of Maine's *Major and Minor Source Air Emission License Regulations*. To resolve the violation, Toothaker paid \$1,400 as a civil monetary penalty.

Lincoln Paper and Tissue, LLC, Lincoln, Maine. Lincoln Paper and Tissue, LLC ("Lincoln") violated the Department's rules concerning *National Emissions Standards for Hazardous Air Pollutants* by exceeding limits for the emission of particulate matter as documented during testing in June 2012. In addition, Lincoln violated provisions of its Department-issued air emission license by: exceeding the opacity restriction for emissions from the common stack that services the facility's Boilers #3, #6 and #7 on five occasions between July 2008 and September 2010; exceeding the opacity restriction on emissions from the stack that services the facility's Boiler #8 once during 2008; and exceeding non-condensable gas venting restrictions on three occasions between May 2008 and October 2011. To resolve the violations, Lincoln paid \$4,050 as a civil monetary penalty.

Asbestos:

Environmental Compliance Specialists, Inc., South Portland, Maine. Environmental Compliance Specialists, Inc. ("ECSI") violated the Department's *Asbestos Management Regulations* by: allowing personnel engaged in an asbestos abatement activity to not wear appropriate respiratory protection; allowing personnel to wear clothing under protective suits and footwear that was not designated for asbestos use only, easily identifiable by sight, and permanently marked or labeled "Asbestos Clothing" on the outside; not requiring personnel to decontaminate prior to exiting a regulated area; not maintaining the work area containment to prevent the release of asbestos fibers to the atmosphere; and applying a surface coating to a surface within the regulated area prior to conducting the first visual evaluation and subsequent air clearance sampling. To resolve the violations, ECSI agreed to pay \$8,000 as a civil monetary penalty, according to a payment schedule.

Land:

Town of Littleton, Littleton, Maine. The Town of Littleton ("Littleton") violated: Maine's *Protection and Improvement of Waters* law by discharging concrete into waters of the State of Maine; Maine's *Water Classification Program* law by causing or contributing to the failure of waters to attain the aquatic life standards of their class; and Maine's *Natural Resources Protection Act* and *Permit by Rule* standards by failing to divert water around the work area while working in a stream that is less than three feet deep. Specifically, Littleton maintains a right-of-way, the Ingraham Road, which contains a portion of Craig Brook. In 2011, Littleton applied for a permit by rule to repair a road culvert on the Ingraham Road which had been damaged during a storm event. In August 2011, the Maine Department of Inland Fisheries and Wildlife notified the Department of a fish kill complaint in Craig Brook.



DEPARTMENT OF ENVIRONMENTAL PROTECTION
Monthly Enforcement Report
for actions during January 2013
DISTRIBUTED: February, 20 2013

This report has been prepared to satisfy a statutory obligation the Maine Department of Environmental Protection has to inform the public of certain enforcement resolutions. Please contact Peter Carney at (207) 287-4305 or peter.j.carney@maine.gov for additional information regarding the activities listed in this report.

Department staff found that concrete had been poured directly into the stream and there appeared to have been no attempt to divert water around the site as required by the Department's *Permit by Rule* standards. To resolve the violations, Littleton agreed to have a town official or designee attend an erosion and sedimentation control class and become a certified contractor through the Department's erosion control certificate program, and will pay \$21,578 as a civil monetary penalty. Of the \$21,578 total penalty amount, \$17,262.40 will be offset by a Supplemental Environmental Project for the purpose of conducting a habitat restoration project on the Meduxnekeag River.

Water:

ISF Trading Company, Portland, Maine. ISF Trading Company ("ISF") violated its Department-issued Waste Discharge License ("WDL") by discharging floating solids to, and causing discoloration of, Portland Harbor as well as discharging wastewater to the tidewaters of Portland Harbor with settleable solids ("SS") concentration in excess of licensed daily maximum concentrations on six occasions between April 2011 and June 2012. To resolve the violations, ISF agreed to submit to the Department for review and approval a report that includes the results of an engineering evaluation of the waste treatment systems in use at the ISF facility and install and operate treatment equipment described in the engineering evaluation report to eliminate the discharge of floating solids and prevent the discoloration of the receiving water. In addition, ISF paid \$2,380 as a civil monetary penalty.

Winterport Water District, Winterport, Maine. Winterport Water District ("Winterport") operates a sewerage collection and treatment system for the discharge of primary-treated domestic wastewater to the Penobscot River. On December 31, 1985, the Town of Winterport was granted a waiver by the U.S. Environmental Protection Agency ("EPA") from meeting effluent limitations from the system based on secondary treatment standards pursuant to a section of the Clean Water Act authorizing EPA to issue such waivers. Winterport subsequently operated the system under federal and/or state permits for the discharge of primary-treated wastewater. On March 22, 2012, EPA denied Winterport a further waiver of secondary treatment standards based on revisions to the Clean Water Act which prohibit waivers from secondary treatment standards to waters which exhibit ambient water quality below applicable water quality standards, regardless of a causal relationship between water quality characteristics and a specific discharge. The Penobscot River at and below the point of discharge from the Winterport facility does not meet the standards of its assigned water quality classification. Based on denial of the waiver from secondary treatment standards, the Department issued Winterport a renewed Maine Pollution Discharge Elimination System Permit/Maine Waste Discharge License ("Permit") on April 2, 2012, which contains secondary treatment standards. Winterport has violated provisions of the Permit by: discharging Biochemical Oxygen Demand ("BOD") in excess of its Permit limits at times between April 2012 and June 2012; discharging Total Suspended Solids ("TSS") in excess of its Permit limits at times between April 2012 and June 2012; and not meeting Permit requirements for BOD and TSS removal in April, May, and June 2012. To resolve the violations, Winterport agreed to submit to the Department for review and approval a preliminary design report and final plans to upgrade or replace its current primary treatment plant in order to consistently meet secondary treatment standards, and obtain funding for and construct the upgraded or replacement facility.